

EXHIBIT 5

1
2 UNITED STATES DISTRICT COURT
3 FOR THE SOUTHERN DISTRICT OF NEW YORK
4 -----x
5 CORNELL HOLDEN, MIGUEL MEJIA, and
6 JEFFREY K. REED, on behalf of
7 themselves and others similarly situated,
8 Plaintiffs,
9 -against- 1:17-cv-02192-JGK-RL
10 THE PORT AUTHORITY OF NEW YORK AND
11 NEW JERSEY; THE PORT AUTHORITY POLICE
12 DEPARTMENT; and MICHAEL OPROMALLA,
13 SHAUN KEHOE, JOHN TONE, JORDAN ESPOSITO,
14 MICHAEL DEMARTINO, RICHARD AYLMER and
15 OFFICERS JOHN DOE 1-100, sued in their
16 individual capacities as officers of
17 the Port Authority Police Department,
18
19 Defendants.

14 -----x
15
16 October 29, 2018
17 10:28 a.m.

18 Videotaped Deposition of VIJAY
19 SEETARAM, taken by Plaintiffs, pursuant
20 to Notice, at the offices of Winston &
21 Strawn LLP, 200 Park Avenue, New York,
22 New York, before ERIC J. FINZ, a
23 Shorthand Reporter and Notary Public
24 within and for the State of New York.
25

<p style="text-align: right;">Page 2</p> <p>1 2 APPEARANCES: 3 WINSTON & STRAWN LLP Attorneys for Plaintiffs 4 200 Park Avenue New York, New York 10166 5 6 BY: CESIE C. ALVAREZ, ESQ. (calvarez@winston.com) MICHELLE TUMA, ESQ. (mtuma@winston.com) 7 8 -AND- 9 LEGAL AID SOCIETY 199 Water Street 10 New York, New York 10038 11 BY: CYNTHIA CONTI-COOK, ESQ. (cconti-cook@legal-aid.org) 12 13 THE PORT AUTHORITY OF NEW YORK AND 14 NEW JERSEY Attorneys for Defendants 15 150 Greenwich Street New York, New York 10006 16 17 BY: KATHLEEN GILL MILLER, ESQ. 18 19 ALSO PRESENT: 20 21 BENJAMIN RUTKIN-BECKER 22 23 DEVERELL WRITE, Videographer 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 VIJAY SEETARAM 2 THE VIDEOGRAPHER: We are 3 going on the record at 10:28 a.m. 4 on October 29, 2018. 5 Please note that the 6 microphones are sensitive and may 7 pick up whispering and private 8 conversations. Please place all 9 cell phones away from the 10 microphones as they can interfere 11 with the deposition audit crew. 12 Audio and video recording will 13 continue to take place unless all 14 parties agree to go off the record. 15 This is media unit 1 of the 16 video recorded deposition of Vijay 17 Seetaram, taken by counsel for the 18 plaintiff, in the matter of Cornell 19 Holden, et al., versus The Port 20 Authority of New York and New 21 Jersey, et al. This case is filed 22 in the U.S. District Court, for the 23 Southern District of New York. 24 We are here at the offices of 25 Winston & Strawn, located at 200</p>
<p style="text-align: right;">Page 3</p> <p>1 2 IT IS HEREBY STIPULATED AND 3 AGREED by and between the attorneys for 4 the respective parties herein that filing 5 and sealing be and the same are hereby 6 waived. 7 IT IS FURTHER STIPULATED AND 8 AGREED that all objections, except as to 9 the form of the question, shall be 10 reserved to the time of the trial. 11 IT IS FURTHER STIPULATED AND 12 AGREED that the within deposition may be 13 signed and sworn to before any officer 14 authorized to administer an oath with the 15 same force and effect as if signed and 16 sworn to before the Court. 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 5</p> <p>1 VIJAY SEETARAM 2 Park Avenue, New York, New York. 3 My name is Deverell Write 4 representing Veritext Legal 5 Solutions. The court reporter is 6 Eric Finz from Veritext Legal 7 Solutions. 8 I'm not authorized to 9 administer an oath, I'm not related 10 to any party in this action, nor am 11 I financially interested in the 12 outcome. 13 At this time will counsel 14 state their appearances and 15 affiliation for the record. 16 MS. CONTI-COOK: On behalf of 17 Cornell Holden and Miguel Mejia 18 from Legal Said Society. 19 THE WITNESS: Good morning. 20 MS. ALVAREZ: My name is Cesie 21 Alvarez, from Winston & Strawn on 22 behalf of plaintiffs. 23 MS. TUMA: On behalf of 24 plaintiffs, I'm Michelle Tuma with 25 Winston & Strawn.</p>

<p style="text-align: right;">Page 22</p> <p>1 VIJAY SEETARAM</p> <p>2 Q. And when did your application</p> <p>3 become complete?</p> <p>4 A. That would be appointment, so</p> <p>5 appointment was, I started at the Police</p> <p>6 Academy in August of 2013.</p> <p>7 Q. When you were in the military,</p> <p>8 were you ever disciplined?</p> <p>9 A. No.</p> <p>10 Q. You had honorable discharge?</p> <p>11 A. Yes.</p> <p>12 Q. Have you been discharged?</p> <p>13 A. Yes, 2014.</p> <p>14 Q. And between 2009 and 2013 when</p> <p>15 you were in the reserves, were you ever</p> <p>16 deployed again?</p> <p>17 A. Not in combat theater, no.</p> <p>18 Q. But where?</p> <p>19 A. Africa.</p> <p>20 Q. What was the deployment in</p> <p>21 Africa?</p> <p>22 A. It was a mission to help build</p> <p>23 schools.</p> <p>24 Q. How long was that?</p> <p>25 A. 45 days or so.</p>	<p style="text-align: right;">Page 24</p> <p>1 VIJAY SEETARAM</p> <p>2 Q. You said that there is 200</p> <p>3 people who started. Did people drop out</p> <p>4 as the program progressed?</p> <p>5 A. Yes.</p> <p>6 MS. MILLER: Objection.</p> <p>7 You may answer.</p> <p>8 A. Yes.</p> <p>9 Q. About how many people dropped</p> <p>10 out?</p> <p>11 A. That I do not know.</p> <p>12 Q. What did your training at the</p> <p>13 Police Academy consist of?</p> <p>14 A. Considered of the people law</p> <p>15 of New York and New Jersey, constitution,</p> <p>16 physical fitness, rifle -- pistol</p> <p>17 shooting, swimming. Emergency medical</p> <p>18 response.</p> <p>19 Q. Did any portion of the</p> <p>20 training instruct you on how to conduct</p> <p>21 yourself in plainclothes?</p> <p>22 A. In the Police Academy?</p> <p>23 Q. Yeah.</p> <p>24 A. No.</p> <p>25 Q. Did any portion of the</p>
<p style="text-align: right;">Page 23</p> <p>1 VIJAY SEETARAM</p> <p>2 Q. And you began the Police</p> <p>3 Academy in August 2013. Is that correct?</p> <p>4 A. Yes.</p> <p>5 Q. And how long is the Police</p> <p>6 Academy training program?</p> <p>7 A. Five and a half months.</p> <p>8 Q. Did you get to know Officer</p> <p>9 Opromalla in that time period?</p> <p>10 A. No, ma'am.</p> <p>11 Q. Did you get to know Officer</p> <p>12 John Tone in that time period?</p> <p>13 A. No, ma'am.</p> <p>14 Q. Were they in that training</p> <p>15 program with you?</p> <p>16 A. They were my classmates, so</p> <p>17 they would have to be, yes.</p> <p>18 Q. You didn't interact with them</p> <p>19 as classmates?</p> <p>20 A. No, ma'am.</p> <p>21 Q. How many people were in that</p> <p>22 class?</p> <p>23 A. I think it started at about</p> <p>24 200, but I'm not sure how many total</p> <p>25 applicants that were in that class.</p>	<p style="text-align: right;">Page 25</p> <p>1 VIJAY SEETARAM</p> <p>2 training cover constitutional rights?</p> <p>3 A. Yes.</p> <p>4 Q. In what aspects?</p> <p>5 MS. MILLER: Objection.</p> <p>6 You may answer.</p> <p>7 A. Just a rundown of the</p> <p>8 amendments of the constitution and what</p> <p>9 the constitution is. What's covered</p> <p>10 under the law.</p> <p>11 Q. Did it cover the limitations</p> <p>12 of policing under the constitution?</p> <p>13 MS. MILLER: Objection.</p> <p>14 You may answer.</p> <p>15 A. Yes.</p> <p>16 Q. In what way?</p> <p>17 A. I mean, what you can and</p> <p>18 cannot do as a police officer. Everyone</p> <p>19 has their rights, you can't go against</p> <p>20 them.</p> <p>21 Q. Okay. Can you give me an</p> <p>22 example?</p> <p>23 MS. MILLER: Objection.</p> <p>24 You may answer.</p> <p>25 A. Example of what, breaking the</p>

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1 VIJAY SEETARAM
2 constitution?
3 Q. Yeah.
4 A. I take my firearm out and
5 shoot into a crowd without any cause or
6 alarm.
7 Q. Were you given any training at
8 the Police Academy regarding
9 discrimination?
10 A. Yes.
11 Q. Can you describe it?
12 A. Just treat everyone neutral.
13 Q. Did it give you any training
14 on how to be aware of your own internal
15 biases that you may not initially be
16 aware of?
17 MS. MILLER: Objection.
18 You may answer.
19 A. I'm a little confused what
20 you're asking me. If they gave me any
21 training on how to not be biased?
22 MS. MILLER: Excuse me. If
23 you don't understand the question,
24 just say I don't understand the
25 question.

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1 VIJAY SEETARAM
2 Q. Yes, that's what I'm asking.
3 A. Can you repeat that, I'm
4 sorry?
5 Q. Sure.
6 Did they give you any training
7 on how to not be biased?
8 A. How to not be biased? No.
9 MS. MILLER: Objection.
10 You may answer.
11 Q. Were you trained on how to
12 make arrests at the Police Academy?
13 A. Yes.
14 Q. Were you trained on how to
15 articulate probable cause?
16 A. Yes.
17 Q. Were you trained on how to
18 testify?
19 A. No.
20 Q. When did you graduate from the
21 Police Academy?
22 A. January 2014.
23 Q. And what was your first
24 position at the police department of The
25 Port Authority?

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1 VIJAY SEETARAM
2 A. Police officer at The Port
3 Authority Bus Terminal.
4 Q. And how long was that your
5 position?
6 A. It's my current position as
7 well.
8 Q. Okay. So that's been your
9 position since January 2014?
10 A. Yes, ma'am.
11 Q. Have you applied for any
12 promotions?
13 A. No, ma'am.
14 Q. Are you eligible to apply for
15 promotions yet?
16 A. No, ma'am.
17 Q. When will you be eligible?
18 A. Whenever the next rotation of
19 promotions come out.
20 Q. And do you plan to apply for a
21 promotion?
22 MS. MILLER: Objection.
23 You may answer.
24 A. Yes, ma'am.
25 Q. And what promotion do you plan

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1 VIJAY SEETARAM
2 to apply for?
3 A. Sergeant's test when it comes
4 out.
5 Q. When you were assigned to the
6 Port Authority Bus Terminal, was there a
7 location that you were primarily
8 responsible for?
9 A. Every day you have an
10 assignment. So given the day, the
11 assignment changes where your
12 responsibility is.
13 Q. Did you get any training after
14 you left the Police Academy?
15 A. Yes, ma'am.
16 Q. What type of training?
17 A. On job training.
18 Q. What does that mean?
19 A. It means you go throughout the
20 patrol with senior officers to learn how
21 to interact with the building, common
22 problem areas.
23 Q. How often does the on-the-job
24 training occur?
25 A. Every day you will have senior

<p style="text-align: right;">Page 30</p> <p>1 VIJAY SEETARAM</p> <p>2 officers assigned to you.</p> <p>3 Q. Every day since January 2014</p> <p>4 you've been assigned to work next to</p> <p>5 senior officers?</p> <p>6 MS. MILLER: Objection.</p> <p>7 You may answer.</p> <p>8 A. No, after about six months you</p> <p>9 start.</p> <p>10 Q. So every day for about six</p> <p>11 months after you leave the academy?</p> <p>12 MS. MILLER: Objection.</p> <p>13 You may answer.</p> <p>14 A. After you leave the academy,</p> <p>15 you have your on job training, where</p> <p>16 you're actively working. And then about</p> <p>17 six months you start getting your own</p> <p>18 post. And you could still call for</p> <p>19 additional units to ask for any questions</p> <p>20 you may have.</p> <p>21 Q. In the six months following</p> <p>22 your assignment to The Port Authority Bus</p> <p>23 Terminal, what senior officers did you</p> <p>24 work with?</p> <p>25 A. Officer Vincent Caruso,</p>	<p style="text-align: right;">Page 32</p> <p>1 VIJAY SEETARAM</p> <p>2 bathrooms?</p> <p>3 A. Not particularly. Just an</p> <p>4 area in the building.</p> <p>5 Q. What do you mean just an area</p> <p>6 in the building?</p> <p>7 A. They covered the entire</p> <p>8 building. So they never took me to a</p> <p>9 particular place.</p> <p>10 Q. They never took you to a</p> <p>11 particular place to describe certain</p> <p>12 types of conditions?</p> <p>13 A. No.</p> <p>14 Q. Did the senior officers during</p> <p>15 the on-the-job training do any training</p> <p>16 on plainclothes policing?</p> <p>17 A. Yes.</p> <p>18 Q. What type of training?</p> <p>19 A. How to wear your gear,</p> <p>20 tactics.</p> <p>21 Q. And how is plainclothes</p> <p>22 policing gear or tactics different than</p> <p>23 when you're in uniform?</p> <p>24 A. In uniform you're in full</p> <p>25 uniform, you're already identified as a</p>
<p style="text-align: right;">Page 31</p> <p>1 VIJAY SEETARAM</p> <p>2 Officer Fairbanks, it changed every day.</p> <p>3 Officer Tommy Campbell, Officer Chris</p> <p>4 Howe.</p> <p>5 Q. Anyone else?</p> <p>6 A. Every day I had a different</p> <p>7 officer. These are the ones that come to</p> <p>8 the top of my head.</p> <p>9 Q. Were they senior officers or</p> <p>10 sergeants?</p> <p>11 A. Senior officers.</p> <p>12 Q. So they were police officers</p> <p>13 as well?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. Did you also receive</p> <p>16 on-the-job training from any sergeants?</p> <p>17 A. No, ma'am.</p> <p>18 Q. And what type of areas in the</p> <p>19 building did the senior officers take you</p> <p>20 to to do on-the-job training?</p> <p>21 MS. MILLER: Objection.</p> <p>22 You may answer.</p> <p>23 A. The entire building. And the</p> <p>24 surrounding premises.</p> <p>25 Q. Did they take you to the men's</p>	<p style="text-align: right;">Page 33</p> <p>1 VIJAY SEETARAM</p> <p>2 police officer. In plainclothes I'm</p> <p>3 walking around like this, you would have</p> <p>4 no idea I'm a police officer.</p> <p>5 Identifying yourself, how to get to all</p> <p>6 your equipment, because that belt is not</p> <p>7 around you. Those are the kind of</p> <p>8 tactics and training they would give us.</p> <p>9 Q. Did they give you any training</p> <p>10 on how to conduct yourself in</p> <p>11 plainclothes in relation to the privacy</p> <p>12 of patrons at The Port Authority Bus</p> <p>13 Terminal?</p> <p>14 MS. MILLER: Objection.</p> <p>15 You may answer.</p> <p>16 A. No, ma'am.</p> <p>17 Q. The relevant time period for</p> <p>18 this litigation is 2014 through 2017. So</p> <p>19 unless I say otherwise, most of my</p> <p>20 questions will be about this time period.</p> <p>21 Okay?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. During this time period, were</p> <p>24 you an officer at The Port Authority Bus</p> <p>25 Terminal?</p>

<p style="text-align: right;">Page 46</p> <p>1 VIJAY SEETARAM</p> <p>2 Q. How many of those are</p> <p>3 misdemeanors?</p> <p>4 A. I don't know. I would have to</p> <p>5 look.</p> <p>6 Q. Do you know if you've mostly</p> <p>7 made arrests for misdemeanors or</p> <p>8 felonies?</p> <p>9 A. No, I don't.</p> <p>10 Q. How many arrests did you make</p> <p>11 in your first year as a police officer at</p> <p>12 Port Authority?</p> <p>13 A. I don't recall. I'd have to</p> <p>14 look at the numbers.</p> <p>15 Q. How many arrests have you made</p> <p>16 in the past year?</p> <p>17 A. 2017?</p> <p>18 Q. Sure.</p> <p>19 A. '18?</p> <p>20 Q. 2018.</p> <p>21 A. Ten.</p> <p>22 Q. Do you know how many you made</p> <p>23 in 2017?</p> <p>24 A. No, ma'am.</p> <p>25 Q. How many of your arrests were</p>	<p style="text-align: right;">Page 48</p> <p>1 VIJAY SEETARAM</p> <p>2 A. Because it's a common area for</p> <p>3 any kind of crime to occur. Just like</p> <p>4 anywhere else in the building.</p> <p>5 Q. Just like women's restrooms?</p> <p>6 A. Yes.</p> <p>7 Q. Would you go into women's</p> <p>8 restrooms when you were on plainclothes</p> <p>9 patrol?</p> <p>10 A. No. In plainclothes I would</p> <p>11 have to announce myself as a police</p> <p>12 officer, walk in. In uniform, yes, I</p> <p>13 would go into women's restrooms.</p> <p>14 Q. I see. When you were in</p> <p>15 plainclothes you would go into women's</p> <p>16 restrooms but announce yourself first?</p> <p>17 A. Yes.</p> <p>18 Q. And when you were in uniform</p> <p>19 you would just walk into women's</p> <p>20 restrooms?</p> <p>21 A. Because I'm in uniform.</p> <p>22 Q. You wouldn't announce yourself</p> <p>23 first?</p> <p>24 A. Police coming in.</p> <p>25 Plainclothes it's kind of</p>
<p style="text-align: right;">Page 47</p> <p>1 VIJAY SEETARAM</p> <p>2 for public lewdness?</p> <p>3 A. I don't recall, ma'am.</p> <p>4 Q. Was the majority of the</p> <p>5 arrests that you've made for public</p> <p>6 lewdness?</p> <p>7 A. Not to my knowledge, ma'am.</p> <p>8 Q. In 2014, was the majority of</p> <p>9 the arrests that you made for public</p> <p>10 lewdness?</p> <p>11 A. I don't recall. I'd have to</p> <p>12 look at the arrests for 2014.</p> <p>13 Q. How were you trained to patrol</p> <p>14 the men's bathrooms in plainclothes?</p> <p>15 A. There was no different</p> <p>16 training. The men's bathroom or a</p> <p>17 hallway or anything, it's the same type</p> <p>18 of patrolling. There is no specialty</p> <p>19 training for those areas.</p> <p>20 Q. When you would patrol in this</p> <p>21 plainclothes, would you typically go</p> <p>22 inside of the men's restrooms?</p> <p>23 A. In plainclothes or uniform I</p> <p>24 would go into the men's restrooms.</p> <p>25 Q. Why?</p>	<p style="text-align: right;">Page 49</p> <p>1 VIJAY SEETARAM</p> <p>2 counterproductive to do that.</p> <p>3 Q. How often would you walk into</p> <p>4 women's restrooms in plainclothes?</p> <p>5 A. As often as I'd walk into a</p> <p>6 men's restroom, but announce.</p> <p>7 Q. And when you walked into men's</p> <p>8 restrooms in plainclothes, what actions</p> <p>9 did you take to patrol the bathrooms?</p> <p>10 A. I'd stand by the sink and just</p> <p>11 look around, maybe sure nobody is</p> <p>12 screaming or yelling or anything unusual</p> <p>13 going on. And I'd walk out.</p> <p>14 Q. And other than people</p> <p>15 screaming or yelling, was there anything</p> <p>16 else that qualified as being unusual?</p> <p>17 A. Yes.</p> <p>18 Q. Like what?</p> <p>19 A. People snorting cocaine, by a</p> <p>20 sink. Or people, a lot of arguments</p> <p>21 happen in there.</p> <p>22 Q. And how many times did you</p> <p>23 arrest people for standing at the urinals</p> <p>24 masturbating in men's bathrooms?</p> <p>25 A. I'd have to look at the</p>

<p style="text-align: right;">Page 62</p> <p>1 VIJAY SEETARAM</p> <p>2 Q. And how many movements would</p> <p>3 make you suspicious?</p> <p>4 A. If I saw somebody's arm moving</p> <p>5 back and forth vigorously, it would make</p> <p>6 me curious.</p> <p>7 Q. And for how long would you</p> <p>8 have to observe such vigorous movements</p> <p>9 before you would decide you needed to get</p> <p>10 a closer look?</p> <p>11 A. About two minutes.</p> <p>12 Q. So you would stand in the</p> <p>13 bathroom and watch someone at a urinal</p> <p>14 for as many as two minutes before</p> <p>15 approaching them for a closer look?</p> <p>16 A. At the sink, yes.</p> <p>17 Q. And how would you maintain</p> <p>18 your cover for two minutes as a</p> <p>19 plainclothes officer?</p> <p>20 A. There is no need to maintain</p> <p>21 cover if I'm not in uniform.</p> <p>22 Q. So standing at a sink in the</p> <p>23 men's restroom watching another patron at</p> <p>24 a urinal doesn't reveal your cover as a</p> <p>25 plainclothes police officer?</p>	<p style="text-align: right;">Page 64</p> <p>1 VIJAY SEETARAM</p> <p>2 to the gentleman to see if he was</p> <p>3 masturbating with an erection.</p> <p>4 Q. And when you did that, have</p> <p>5 you ever tried to make eye contact with</p> <p>6 that gentleman?</p> <p>7 A. No.</p> <p>8 Q. And have you ever exposed</p> <p>9 yourself in order to entice action from</p> <p>10 that gentleman?</p> <p>11 A. No, ma'am.</p> <p>12 Q. Have you ever exposed yourself</p> <p>13 in a public bathroom before?</p> <p>14 A. No, ma'am.</p> <p>15 Q. In order to entice a man to</p> <p>16 expose himself, have you ever taken any</p> <p>17 actions as a plainclothes police officer?</p> <p>18 A. No, ma'am.</p> <p>19 Q. Do you know of any officers</p> <p>20 who have ever walked into the bathroom</p> <p>21 and specifically tried to make</p> <p>22 observations from urinals?</p> <p>23 A. No, ma'am.</p> <p>24 Q. Do you know of any officers</p> <p>25 who have walked into bathrooms and</p>
<p style="text-align: right;">Page 63</p> <p>1 VIJAY SEETARAM</p> <p>2 MS. MILLER: Objection.</p> <p>3 You may answer.</p> <p>4 A. I don't -- I can't speak for</p> <p>5 everyone else in the restroom. But me</p> <p>6 personally, a gentleman standing at the</p> <p>7 sink, it's a gentleman standing at the</p> <p>8 sink.</p> <p>9 Q. Would you pretend to use the</p> <p>10 sink?</p> <p>11 A. No.</p> <p>12 Q. Would you use the -- was there</p> <p>13 a mirror on top of the sink?</p> <p>14 A. Yes.</p> <p>15 Q. Would you use the mirror to</p> <p>16 make observations at the urinals?</p> <p>17 A. No.</p> <p>18 Q. And so after ten minutes you</p> <p>19 would -- sorry. I misspoke.</p> <p>20 After two minutes of making</p> <p>21 observations is when you would decide to</p> <p>22 get a closer look to confirm whether a</p> <p>23 man was fully erect. How would you do</p> <p>24 that?</p> <p>25 A. After that I would walk closer</p>	<p style="text-align: right;">Page 65</p> <p>1 VIJAY SEETARAM</p> <p>2 specifically taken any actions to entice</p> <p>3 men to expose themselves?</p> <p>4 A. No, ma'am.</p> <p>5 Q. Were you ever trained to act</p> <p>6 differently in any way in plainclothes</p> <p>7 versus uniform?</p> <p>8 A. No.</p> <p>9 Q. Were you ever told that</p> <p>10 wearing plainclothes can be advantageous</p> <p>11 for making arrests because you are more</p> <p>12 likely to observe crime happening?</p> <p>13 A. Sorry, can you define</p> <p>14 "advantageous"?</p> <p>15 Q. That assist more likely people</p> <p>16 will commit crime in front of you not</p> <p>17 knowing you are a police officer.</p> <p>18 A. Have I ever been told that</p> <p>19 you're asking?</p> <p>20 Q. Yeah.</p> <p>21 A. No.</p> <p>22 Q. Have you ever been told that</p> <p>23 you were being deployed in plainclothes</p> <p>24 because people don't recognize you?</p> <p>25 A. No.</p>

<p style="text-align: right;">Page 94</p> <p>1 VIJAY SEETARAM</p> <p>2 You may answer.</p> <p>3 A. No, there is no physical</p> <p>4 evidence collected.</p> <p>5 Q. Would you describe public</p> <p>6 lewdness as a quality of life crime?</p> <p>7 A. No.</p> <p>8 Q. Why not?</p> <p>9 MS. MILLER: Objection.</p> <p>10 You may answer.</p> <p>11 A. Quality of life is more like</p> <p>12 hustlers and trespass, things of that</p> <p>13 nature. Like solicitors. Not</p> <p>14 necessarily public lewdness.</p> <p>15 Q. Did you ever participate in</p> <p>16 quality of life sweeps while you were at</p> <p>17 The Port Authority Police Department?</p> <p>18 A. No, ma'am.</p> <p>19 Q. Do you know what a quality of</p> <p>20 life sweep is?</p> <p>21 A. No.</p> <p>22 Q. Have you ever heard of the</p> <p>23 term "sweep" in the context of policing?</p> <p>24 A. No, ma'am.</p> <p>25 Q. As you sit here today, do you</p>	<p style="text-align: right;">Page 96</p> <p>1 VIJAY SEETARAM</p> <p>2 You may answer.</p> <p>3 A. No, they could be anybody.</p> <p>4 Q. Do you know who Officer</p> <p>5 Michael Opromalla is?</p> <p>6 MS. MILLER: Objection.</p> <p>7 You may answer.</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. How do you know him?</p> <p>10 A. He's a co-worker.</p> <p>11 Q. How long has he been your</p> <p>12 co-worker?</p> <p>13 A. Two years, three years.</p> <p>14 Q. And he was also a classmate of</p> <p>15 yours in 2013. Is that right?</p> <p>16 A. Yes.</p> <p>17 Q. You didn't know him then?</p> <p>18 A. No, ma'am.</p> <p>19 Q. You never interacted with him</p> <p>20 prior to 2014?</p> <p>21 A. No, prior to that, no.</p> <p>22 Q. And when did you get to know</p> <p>23 Mr. Opromalla?</p> <p>24 A. I don't really know him that</p> <p>25 well. We're opposites. In terms of work</p>
<p style="text-align: right;">Page 95</p> <p>1 VIJAY SEETARAM</p> <p>2 recall arresting a man name Marcos</p> <p>3 Polonia?</p> <p>4 A. No, ma'am.</p> <p>5 Q. Do you remember making an</p> <p>6 increased number of arrests for public</p> <p>7 lewdness in August 2014?</p> <p>8 A. No, ma'am.</p> <p>9 Q. Was public lewdness in</p> <p>10 bathrooms particularly by men who were</p> <p>11 masturbating at urinals more prevalent in</p> <p>12 2014?</p> <p>13 A. I couldn't say.</p> <p>14 Q. Some crimes are particularly</p> <p>15 seasonal in nature. Is public lewdness a</p> <p>16 crime that happens at one time of year</p> <p>17 more often than another?</p> <p>18 MS. MILLER: Objection.</p> <p>19 You may answer.</p> <p>20 A. I couldn't attest to that or</p> <p>21 say anything on that.</p> <p>22 Q. Do you get the impression that</p> <p>23 the men you arrest for public lewdness</p> <p>24 are commuters?</p> <p>25 MS. MILLER: Objection.</p>	<p style="text-align: right;">Page 97</p> <p>1 VIJAY SEETARAM</p> <p>2 time.</p> <p>3 Q. Could you tell me what you</p> <p>4 mean by that?</p> <p>5 A. I traditionally work the</p> <p>6 afternoons, he didn't.</p> <p>7 Q. Did your shifts overlap at</p> <p>8 all?</p> <p>9 A. Not really, no.</p> <p>10 Q. How many times did you</p> <p>11 interact with Officer Opromalla in 2014?</p> <p>12 MS. MILLER: Objection.</p> <p>13 You may answer.</p> <p>14 A. I have zero idea how many</p> <p>15 times I talked to him or...</p> <p>16 Q. Did you talk to him at all in</p> <p>17 2014?</p> <p>18 A. Hi, bye, yes, how you doing.</p> <p>19 Q. Did you ever socialize with</p> <p>20 Mr. Opromalla in 2014?</p> <p>21 A. No.</p> <p>22 Q. Have you ever socialized with</p> <p>23 Mr. Opromalla?</p> <p>24 A. No.</p> <p>25 Q. He was also assigned to the</p>

25 (Pages 94 - 97)

<p style="text-align: right;">Page 158</p> <p>1 VIJAY SEETARAM</p> <p>2 Q. And what was the date of this</p> <p>3 arrest?</p> <p>4 A. August 7, 2014.</p> <p>5 Q. So the same day as the arrest</p> <p>6 that we just reviewed?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. And what time was this arrest?</p> <p>9 A. 19:20.</p> <p>10 Q. So is that about three hours</p> <p>11 later?</p> <p>12 A. From?</p> <p>13 Q. Sorry. From the last arrest.</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. And pointing your attention to</p> <p>16 2669. Can you read the first two</p> <p>17 sentences of the narrative into the</p> <p>18 record, please, slowly for our court</p> <p>19 reporter.</p> <p>20 A. "At the time and place of</p> <p>21 occurrence, undersigned officer was</p> <p>22 assigned to plainclothes unit. During a</p> <p>23 patrol of the men's restroom on the</p> <p>24 second floor, undersigned officer</p> <p>25 observed suspect manipulate his naked</p>	<p style="text-align: right;">Page 160</p> <p>1 VIJAY SEETARAM</p> <p>2 A. No.</p> <p>3 Q. Have you ever in the context</p> <p>4 of making one of these arrests asked one</p> <p>5 of the other patrons if they could see</p> <p>6 the man that you believed was</p> <p>7 masturbating at the urinal?</p> <p>8 MS. MILLER: Objection.</p> <p>9 You may answer.</p> <p>10 A. No, ma'am.</p> <p>11 Q. You can put that aside.</p> <p>12 (Seetaram Exhibit 6 for</p> <p>13 identification, arrest file,</p> <p>14 production numbers PA 2700 through</p> <p>15 PA 2717.)</p> <p>16 BY MS. CONTI-COOK:</p> <p>17 Q. I'm going to hand you what's</p> <p>18 been marked as Exhibit 6.</p> <p>19 MS. CONTI-COOK: It is</p> <p>20 continuously Bates stamped 2700</p> <p>21 through 2717.</p> <p>22 We can go off the record while</p> <p>23 you review.</p> <p>24 THE VIDEOGRAPHER: The time on</p> <p>25 the video monitor is 2:22 p.m., we</p>
<p style="text-align: right;">Page 159</p> <p>1 VIJAY SEETARAM</p> <p>2 erect penis in a back and forth motion in</p> <p>3 full public view while observing other</p> <p>4 patrons."</p> <p>5 Q. For all of the arrests that</p> <p>6 we've described so far, were you in</p> <p>7 plainclothes?</p> <p>8 A. Yes.</p> <p>9 Q. And what does "while observing</p> <p>10 other patrons" mean?</p> <p>11 A. It means he was looking around</p> <p>12 the bathroom.</p> <p>13 Q. Does it mean that he was</p> <p>14 specifically trying to make eye contact</p> <p>15 with other patrons?</p> <p>16 MS. MILLER: Objection.</p> <p>17 You may answer.</p> <p>18 A. I can't attest to what he was</p> <p>19 trying to do.</p> <p>20 Q. From this factual narrative</p> <p>21 can you tell which direction this man was</p> <p>22 facing when he was allegedly masturbating</p> <p>23 in a urinal?</p> <p>24 MS. MILLER: Objection.</p> <p>25 You may answer.</p>	<p style="text-align: right;">Page 161</p> <p>1 VIJAY SEETARAM</p> <p>2 off the record.</p> <p>3 (Discussion off the record.)</p> <p>4 THE VIDEOGRAPHER: We are back</p> <p>5 on the record. The time on the</p> <p>6 video monitor is 2:23 p.m.</p> <p>7 BY MS. CONTI-COOK:</p> <p>8 Q. Have you had a chance to</p> <p>9 review Exhibit 6?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. What was the date and time of</p> <p>12 this arrest?</p> <p>13 A. The date is 8/8/2014. The</p> <p>14 time, 16:55.</p> <p>15 Q. What would you consider rush</p> <p>16 hour in the afternoon to be at The Port</p> <p>17 Authority Bus Terminal?</p> <p>18 A. Anywhere from 14 to 2000.</p> <p>19 Q. And in your experience, does</p> <p>20 public lewdness happen more often at the</p> <p>21 Bus Terminal during those hours than at</p> <p>22 less busy times?</p> <p>23 MS. MILLER: Objection.</p> <p>24 You may answer.</p> <p>25 A. I don't think there is any</p>